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DOCKET NO.: B801.70237US00

## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/005,200
Confirmation Number	8283
Filing Date	December 5, 2001
First Named Inventor	Michael R. Wessels et al.
Group Art Unit	1645
Examiner Name	Vanessa L. Ford

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, you may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) instead of an RCE to be eligible for the patent term adjustment provisions of the AIPA.

### 1. Submission required under 37 C.F.R. § 1.114

#### a. Previously submitted

- i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on .  
(Any unentered amendment(s) referred to above will be entered.)
- ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on .
- iii.  Other:

#### b. Enclosed is/are:

- i.  Amendment/Reply
- ii.  Affidavit(s)/Declaration(s)
- iii.  Information Disclosure Statement (IDS)
- iv.  Other: Petition for Three (3) Month Extension of Time

### 2. Miscellaneous

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_ months. (Period of suspension shall not exceed 3 months) and the Fee of \$ under 37 C.F.R. § 1.17(i) is enclosed.
- b.  Other:

### 3. Fees - The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

- a.  Enclosed is a check in the amount of \$885.00 which covers:
  - i.  RCE fee required under 37 C.F.R. § 1.17(e) of \$395.00
  - ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) of \$490.00
  - iii.  Other

### 4. If the filing of this RCE necessitates an extension of time under 37 CFR §1.136(a), the applicant hereby requests such extension of time.

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5. If there is no check enclosed, or if the amount of the enclosed check in this RCE is incorrect, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 23/2825.

6. CORRESPONDENCE ADDRESS

Direct all correspondence to the below-mentioned customer number

**CUSTOMER NUMBER:**  
23628

7. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME	MaryDilys S. Anderson, Ph.D., Reg. No. 52,560
SIGNATURE	
DATE	Nov. 4, 2004

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to **MAIL STOP RCE**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 4<sup>th</sup> day of November, 2004.

  
Melissa L. Barlow Lyons



DOCKET NO: B0801.70237US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael R. Wessels et al.  
Serial No: 10/005,200  
Confirmation No: 8283  
Filed: December 5, 2001  
For: PREVENTION AND TREATMENT OF  
STREPTOCOCCAL AND STAPHYLOCOCCAL  
INFECTON  
Examiner: Vanessa L. Ford  
Art Unit: 1645

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 4<sup>th</sup> day of November, 2004.

*Melissa L. Barlow Lyons*  
Melissa L. Barlow Lyons

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Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

Sir:

In response to the Office Action mailed May 5, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this amendment.

Remarks begin on page 6 of this amendment.